

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

YANPING WANG,

Defendant.

Case No. 23-CR-118 (AT)

**VERIFIED MOTION TO WITHDRAW
AS COUNSEL FOR DEFENDANT AND
MEMORANDUM OF LAW IN SUPPORT**

Pursuant to Local Criminal Rule 1.2, Priya Chaudhry of ChaudhryLaw PLLC (“ChaudhryLaw” or the “Firm”) hereby submits this Verified Motion to Withdraw as Counsel for Defendant and Memorandum of Law in Support of its motion for an order permitting the Firm to withdraw as counsel for Defendant Yanping Wang (“Defendant”). For the reasons set forth below, ChaudhryLaw respectfully requests that the Court permit the Firm to withdraw from representing Defendant.¹

ARGUMENT

I. LEGAL STANDARD

Rule 1.2 of the Local Criminal Rules of the United States District Courts for the Southern and Eastern Districts of New York states that an “attorney may not withdraw except upon prior order of the Court pursuant to Local Civil Rule 1.4.” Local Civil Rule 1.4 states:

An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the Court and may not withdraw from a case without leave of the Court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar, and whether or not the attorney is asserting a retaining or charging lien. All applications to withdraw must be served upon the client and (unless excused by the Court) upon all other parties.

¹ The instant motion to withdraw is on behalf of Firm partners Priya Chaudhry, Seth J. Zuckerman, and Beth Farber.

The Court has “considerable discretion in deciding a motion for withdrawal of counsel.”

Bruce Lee Enterprises, LLC v. A.V.E.L.A., Inc., No. 10-CV-2333-MEA, 2014 WL 1087934, at *1 (S.D.N.Y. Mar. 19, 2014). Two factors are considered in determining whether to grant an application to withdraw as counsel: “the reasons for withdrawal and the impact of the withdrawal on the timing of the proceeding.” *United States v. Cole*, No. 19-CR-869-ER, 2022 WL 615046, at *2 (S.D.N.Y. Mar. 2, 2022).

A. Satisfactory Reasons Exist for ChaudhryLaw’s Withdrawal

The Firm seeks to withdraw as counsel for Defendant with her full and informed consent. Defendant has provided express consent to the Firm’s withdrawal and agrees that ChaudhryLaw may no longer represent her in this matter. In *In re Air Crash Near Nantucket Island, Mass. on Oct. 31, 1999*, an E.D.N.Y case, counsel was allowed to withdraw from the case with the client’s consent. No. MD-00-1344-BMC, 2008 WL 4426006 (E.D.N.Y. Aug. 15, 2008), ECF No. 519. Federal courts in other jurisdictions have also not objected to a counsel’s withdrawal in cases where, like here, a client knowingly and freely assents to termination of the counsel’s representation. See *Bhasin v. Pathak*, No. EDCV-1300293-VAPOPX, 2013 WL 12143939, at *1 (C.D. Cal. Oct. 23, 2013); *Craig v. St. Anthony’s Med. Ctr.*, No. 4-08-CV-00492-ERW, 2009 WL 910744, at *2 (E.D. Mo. Apr. 2, 2009).

Importantly, Defendant will not be left without representation upon ChaudhryLaw’s withdrawal. Co-counsel, Alex Lipman of Lipman Law PLLC, will continue to represent Defendant, ensuring continuity in her legal representation, safeguarding Defendant’s interests, and allowing Defendant to continue to receive proper legal guidance throughout the proceedings.

In light of Defendant's explicit consent to ChaudhryLaw's withdrawal and the presence of a competent co-counsel who will continue to represent Defendant, the Firm has a satisfactory reason for seeking withdrawal. This withdrawal is in accordance with Defendant's wishes, and she has been fully informed of the implications and alternatives available to her.

B. The Timing of the Proceeding Will Not Be Impacted by ChaudhryLaw's Withdrawal

The second factor in evaluating the impact of counsel's withdrawal is "the impact of the withdrawal on the timing of the proceeding." *Cole*, 2022 WL 615046, at *2. In this case, ChaudhryLaw's withdrawal will have no significant impact on the timing of the proceedings.

As of the date of this motion, the case is still in its initial stages, and the trial is scheduled for April 8, 2024. The government is currently in the process of providing discovery materials to the defense, and Lipman Law PLLC has been actively involved in this process. Given Lipman Law PLLC's continuous representation throughout, there will be no disruption to the judicial process or delay in the proceedings.

Furthermore, the Court has set November 15, 2023, as the deadline for Defendant to file her pretrial motions. Lipman Law PLLC, as counsel of record, is already familiar with the case's intricacies and has been actively preparing for the pretrial motions. The Firm's withdrawal will not result in any delay because Lipman Law PLLC is well-equipped to effectively handle the pretrial motions, ensuring that Defendant's rights are protected, and the case moves forward smoothly.

In conclusion, ChaudhryLaw PLLC's withdrawal will not impact the timing of the proceedings. The presence of Lipman Law PLLC as Defendant's continuous and competent counsel ensures that the case will progress without any delay or prejudice. Granting the

withdrawal will allow Defendant to maintain proper legal guidance without any undue rush or disadvantage, and she will have ample opportunity to actively participate in her defense.

The Firm is not asserting any retaining lien on Defendant's files.

WHEREFORE, ChaudhryLaw PLLC respectfully requests this Court enter an order granting ChaudhryLaw PLLC leave to withdraw as counsel of record for Defendant and such other and further relief this Court deems just and proper.

DECLARATION UNDER PENALTY OF PERJURY

Pursuant to 28 U.S.C. § 1746, I declare and verify under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 7, 2023

ChaudhryLaw PLLC

By: /s/ Priya Chaudhry
Priya Chaudhry
Seth Zuckerman
Beth Farber

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CERTIFICATE OF SERVICE

I HEREBY certify that on August 7, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all attorneys of record.

/s/ Priya Chaudhry
Priya Chaudhry